

Pat. App. 09/619,255

Lin-Hendel 5

REMARKS

Reconsideration of the claims and consideration of the amendments are respectfully requested. The response is made pursuant to 37 C.F.R. 1.121. No new matter has been entered.

Status of Claims

Claims 1-10 and 12-21 are pending in this application.

Claims 1-10 and 12-21 stand rejected.

Claims 9 and 15-17 have been amended.

Claims**Claim Objections**

Regarding the section titled "Claim Objections" of the Office Action, the Examiner objected to Claims 9, 16 and 17 for the occurrence of a repeated "the". The occurrences of the repeated "the" have been corrected. A repeated "the" occurrence is also found in Claim 15 and has been corrected.

Accordingly in view of the amendments, the claim objections should be withdrawn.

**Rejection under 35 U.S.C. 103(a) as being unpatentable by
Bieganski et al. (US 6,412,012) in view of Official Notice**

Regarding the section titled "Claim Rejection - 35 USC 103" of the Office Action, the Examiner rejects Claims 1, 3, 4, 5, 9, 10, 16 and 20 as being unpatentable over Bieganski et al. (US 6,412,012) in view of Official Notice. Applicant traverses the Examiner's rejection based on the reasons set forth below.

First, Applicant would like to summarize all of the statements of Official Notice (ON) set forth by the Examiner and not supported by any reference.

Pat. App. 09/619,255

Lin-Hendel 5

Regarding Claim 1:

- ON1. Page 3, the Examiner asserts that "it was old and well known ... to turn different programs on and off."
- ON2. Page 4, beginning at 12, the Examiner asserts "it would have been obvious to a person ... to prompt the user to answer a plurality of questions, because this would present a convenient way of collecting relevant preference data "expressed" by the user and allow control over what questions are asked thus improving the relevance of the expressed interests and making it easy to format the collected data for storage and usage (col. 2, lines 35-40, filling out a survey)."
- ON3. Page 5, beginning at line 4, the Examiner asserts "it would have been obvious to a person of ordinary skill in the art to include in Bieganski a means for overriding said interactive wizard guide, because a user may want to buy a specific product that is not shown by the wizard."

Regarding Claim 3,

- ON4. Page 5, beginning at line 12, the Examiner asserts "it was old and well known ... to indicate a choice by checking at least one box in front of a possible choice or clicking on a text string representing that choice. It would have been obvious ... to include in Bieganski indicating a choice by checking at least one box... or clicking."

Regarding Claim 4,

- ON5. Page 6, beginning at line 4, the Examiner asserts "it was old and well know ... to provide a plurality of vendors in response to a recommended request. It would have been obvious ... to include in Bieganski presenting a plurality of vendor's merchandise."

Regarding Claim 5,

- ON6. Page 6, beginning at line 11, the Examiner asserts "it was old and well known ... to provide lists of vendors with means for attaining additional information on there products (any search engine). It would have been obvious ... to include in Bieganski providing a list of vendors along with the capability to link to their

Pat. App. 09/619,255

Lin-Hendel 5

products.”

Regarding Claim 9,

ON7. Page 6, beginning at line 19, the Examiner asserts “it was old and well known ... to utilize a local computer to forgo having to continually interact with a remote server, particularly with large groups of data. It would have been obvious ... to include in Bieganski using a local computer to perform most of the interaction.”

Regarding Claim 10,

ON8. Page 7, beginning at line 6, the Examiner asserts “it was old and well known ... to use menus and data entry tables to collect data. It would have been obvious ... to use this well known method to collect information ... in the system of Bieganski.”

Regarding Claim 20,

ON9. Page 7, beginning at the last line, the Examiner asserts “having the ability to override a predetermined rule by turning off the rule is old and well known in the art. It would have been obvious ... to include in Bieganski a means of turning off all or a portion of the predetermined rules based on preferences.”

Regarding Claim 2,

ON10. Page 8, beginning at the last line, the Examiner asserts “it was old and well known ... to use both graphical and textual data to represent items for sale over the internet. It would have been obvious... to include in Bieganski textual and graphical data.”

ON11. Page 9, beginning at line 10, the Examiner asserts “it was old and well known ... to include links to other products in a recommendation list. It would have been obvious ... to include in Bieganski the links for the instant invention.”

ON12. Page 10, beginning at line 17, the Examiner asserts “it would have been obvious ... to include in the combination of Bieganski and Weaver the separate databases because this would allow many users to use the database and not overwhelm the storage capacity.” The separate databases relate to the temporary working database and personal folder not taught by Bieganski or Weaver.

Pat. App. 09/619,255

Lin-Hendel 5

Regarding Claim 8,

ON13. Page 11, beginning at line 12, the Examiner asserts "it was old and well know in the art to use a mouse to click on an image to make the selection. It would have been obvious ... to include in Bieganski and Weaver the use of a mouse to click on an image."

Regarding Claim 18,

ON14. Page 13, beginning at line 5, the Examiner asserts "selecting all or some of the presented products such as is found in a catalog is old and well known in the art. It would be obvious ... to include in Bieganski and Weaver selecting only a portion of what is presented."

Regarding Claim 19,

ON14. Page 13, beginning at line 13, the Examiner asserts "it was old and well known ... to be able to retrieve additional items that may not be on a provided list... It would be obvious ... to include in Bieganski and Weaver the capability to get additional items."

Applicant's Invention

Applicant's invention is a system for providing mass-personalized and customized merchandise and purchase services on-line, through intelligent recommendations, guided selection and purchase processes, configuration, coordination, fitting, composed and animated presentation, demonstration, etc., based on individual customer input and artificial intelligence rules-databases and comparison algorithms.

Interactive, intelligent process and rule-driven enquiry-database, intelligent product databases, artificial intelligence rules, data comparison algorithm, graphics and video design, composition, animation software, graphics and video input and output hardware and software, and/or video streaming are used to (1) guide consumers through needs and tastes definition process, (2) make recommendations, (3) narrow selections, (4) determine the fit, (5) configure and optimize various options of subsystems into a complete system, (6) layout, compose and/or animate, and (7) display the fitted system of multiple items with the recommended and/or selected settings.

Pat. App. 09/619,255

Lin-Hendel 5

Bieganski et al. Invention

Bieganski's invention is directed to a processing system that collects data about user preferences and uses item compatibility rules to produce a compatibility-aware recommendation output set using the user preference data. (See ABSTRACT) In col. 5, beginning at line 49, the "recommendation set is defined as a set of items recommended to a user. The recommendation set may be unordered in which case the weight accorded to each recommended item is equal... Recommendation sets may be generated in many ways. Common mechanism include "word of mouth" wherein a person suggests items to another person, publication of individual opinions such as movie or restaurant reviews written by critics (which often have stars to indicate a recommendation value); publication of collected opinions such as the automobile reliability and movie ratings ..."

In col. 10, beginning line 37, the general operation of the Bieganski's invention is described. It states that the "compatibility modifier 200 accepts as inputs the recommendation set 201, the compatibility rules 204, and optionally, the shopping set 202 and/or history set 203. The compatibility modifier 200 applies the compatibility rules 204 to the recommendation set 201, optionally using the shopping and historical sets 202 and 203, to produce a modified recommendation set. In col. 18, lines 40-45, an alternate embodiment is described wherein the "recommendation engine 1110 receives requests from the web server 1104 and/or the commerce server 1106 for recommendations... The recommendation engine 1110 generates recommendations, using compatibility information, to ensure that the recommendations supplied are coherent and useful as a set and consistent with the user's current purchases."

The Bieganski's invention briefly describes other possible examples of how recommendations are made such as in col. 19, lines 3-7, which states "when the user requests recommendations or a large set of books such as "fiction," the web server may ask the compatibility-aware recommendation engine for recommendations overall or within a category." Bieganski is completely silent how a "user requests recommendations" or "requests ... a large set of books". In another example described in col. 19, beginning at line 12, it states "another use of the recommendation engine is for the web server to request recommendations for books to advertise as part of the check-out process. The invention is advantageous because it prevents the

Pat. App. 09/619,255

Lin-Hendel 5

system from recommending substitutes for current purchases and suggests books that complement the purchases."

Furthermore, Applicant acknowledges that Bieganski describes a survey for obtaining user information in the background in col. 2. However, Bieganski is primarily directed to collecting data in a manner that is transparent to the user to create the shopping set 202 and the historical set 203. The "shopping set 202 includes items for which the user has indicated a current intent to purchase or consume ... using the contents of a "market basket" from an Internet-based shopping service, using active shopping cart that scans the bar codes of products being placed in the basket; using the set of items entered into a cash register ... shopping list provided by the customer." Likewise, the historical set 203 appears to be generated based on data collected from the merchants, as described in col. 8, lines 15-38. The transparent feature of collecting data in Bieganski is taken into consideration since no shopping set or historical set may be created. Bieganski states in col. 13, beginning at line 12, that "if nothing is known about the customer, no recommendations can be made based on the customer's tastes and historical purchases. However, items can still be suggested that complement the customer's current selections without-substituting for any of those selections."

In view of the above description of Bieganski, Bieganski is directed to a system that collects data about the user's preferences transparently to make recommendations to a user. A clear distinction between Applicant's invention and Bieganski is that Applicant's interactive wizard guide helps the user to find merchandise (*computer-assisted selections tailored to said user*) and provides *recommendations* based specifically on the user profile and artificial intelligence. In contrast, Bieganski recommends compatible or complementing items for items being currently purchased. (See col. 5, lines 3-11)

With specific reference to Claim 1, Claim 1 reads as follows:

1. (CURRENTLY AMENDED) *An electronic system for purchasing merchandise online using a computer having a display device, comprising: means for selecting and purchasing merchandise, by a user, online; and an interactive wizard guide, selectively and optionally deployed by a user, for making online merchandise recommendations and computer-assisted selections tailored to said user, said interactive wizard guide comprising:*

Pat. App. 09/619,255

Lin-Hendel 5

means for prompting a user to specify preferences regarding at least one type of merchandise of interest to said user, said prompting means includes means for prompting the user to answer a plurality of questions,

means for receiving the preferences and answers to the plurality of questions to create a user profile,

means for searching in and retrieving data from at least one database using predetermined intelligence rules together with said user profile to determine said recommendations and said selections of said merchandise and accessories to said merchandise,

means, in response to said retrieving means, for displaying on said display device, said recommendations and said selections of said merchandise and said accessories, and

means for overriding said interactive wizard guide. (Emphasis added)

Bieganski does not teach the above emphasized claim language. More specifically, Bieganski does not teach 1) an interactive wizard guide, 2) an interactive wizard guide that is selectively and optionally deployed by a user, 3) means for prompting a user to specify preferences regarding at least one type of merchandise of interest to said user, 4) means for receiving the preferences and answers to the plurality of questions to create a user profile, 5) means for searching in and retrieving data from at least one database using predetermined intelligence rules together with said user profile; and 6) means for overriding said interactive wizard guide. (Emphasis added)

With regard to number 1, Bieganski does not teach "an interactive wizard guide." It appears that the Examiner relies on the "recommendation engine" of Bieganski for the claimed "interactive wizard guide." However, the recommendation engine of Bieganski is neither "interactive" nor a "guide."

Furthermore, as acknowledged by the Examiner, the "recommendation engine" is not selectively and optionally deployed by a user. Therefore, the Examiner modifies Bieganski to allow the user to selectively and optionally deploy the recommendation engine. (See ON1 above) First, the Examiner is using Applicant's own disclosure and claimed invention to reject Applicant's claims which is not permitted by Case Law. Second, there is no reason to allow the recommendation engine of Bieganski to be selectively and optionally deployed by the user, especially since the merchants (book stores, grocery stores, travel agencies, etc.) are trying to

Pat. App. 09/619,255

Lin-Hendel 5

increase revenue by recommending products to the customer that are complimentary to what is currently being purchased online. As can be readily seen, Applicant's invention is an interactive wizard guide that helps the user to find merchandise (*computer-assisted selections tailored to said user*) and provides *recommendations* based specifically on the user profile and artificial intelligence. In contrast, Bieganski recommends compatible or complementing items for items being currently purchased. (See col. 5, lines 3-27.

Furthermore, the Examiner acknowledges that Bieganski does not prompt the user to answer questions. Therefore, the Examiner, further modifies Bieganski with prompted questions. (See ON2 above). Moreover, Applicant observes that since the recommendation engine of Bieganski does not prompt the user with questions, the recommendation engine also does not have a "*means for receiving the preferences and answers to the plurality of questions to create a user profile.*" Nevertheless, Bieganski's invention collects data transparently and such data is not specifically addressed as "*merchandise of interest,*" as claimed by Applicant. In contrast, Applicant's invention collects data for "*merchandise of interest*" so that a search for the "*merchandise of interest,*" based on the user's preferences, can be performed using the user profile for the "*merchandise of interest*".

Applicant observes that the use of a survey is described in the background (col. 2) of Bieganski. However, while a "survey" is set forth, such survey is not described as a "*means for prompting a user to specify preferences regarding at least one type of merchandise of interest to said user.*" Items on the survey may not be "*merchandise of interest*" to the user.

Finally, the Examiner acknowledges that Bieganski does not teach a "*means for overriding said interactive wizard guide*". Yet again, the Examiner uses Official Notice ON3 to assert that "it would have been obvious to a person of ordinary skill in the art to include in Bieganski a means for overriding said interactive wizard guide, because a user may want to buy a specific product that is not shown by the wizard." The Examiner is using Applicant's own disclosure and claimed invention to reject Applicant's claims which is not permitted by Case Law.

In view of the foregoing remarks, Claim 1 is allowable over Bieganski as modified by Official Notice and the corresponding rejection under 35 USC 103(a) should be withdrawn.

Pat. App. 09/619,255

Lin-Hendel 5

Since Claims 2-10 and 12-21 depend from independent Claim 1, then for the same reasons set forth above with regard to Claim 1, these dependent claims are also allowable over Bieganski as modified by Official Notice and the corresponding rejections under 35 USC 103(a) should be withdrawn.

Moreover, the modification of Bieganski as modified by the Official Notice does not teach the claim limitations of dependent Claims 3, 4, 5, 9, 10 and 20 as acknowledged by the Examiner. Yet again, the Examiner simply asserts Official Notice and uses Applicant's own disclosure to reject Applicant's claims which is not permitted by case law.

As to Claim 16, Bieganski as modified by Official Notice does not teach that "at any stage of interaction with the system, an array of recommendations can be presented on the display device, the array able to be narrowed or enhanced interactively as the interactive wizard guide gains input from the user." (Emphasis added) The Bieganski system is not interactive so that the user can narrow the array. In other words, there is no mechanism in Bieganski to allow the user to narrow the array.

In summary, Claims 1, 3, 4, 5, 9, 10, 16 and 20 are rejected by the Examiner based on Applicant's own disclosure and the claim limitations not found in Bieganski et al. are not supported by the prior art references.

**Rejection under 35 U.S.C. 103(a) as being unpatentable over
Bieganski et al. (US 6,412,012) in view of Official Notice and
further in view of Weaver (US 6,404,426)**

Regarding the section titled "Claim Rejection – 35 USC 103" of the Office Action, the Examiner rejects Claims 2, 6-8, 12-15 and 17-19 as being unpatentable over Bieganski et al. (US 6,412,012) in view of Official Notice and further in view of Weaver (US 6,404,426). Applicant traverses the Examiner rejection for at least the comments set forth above in relation to Claim 1.

Furthermore, in addition to modifying Bieganski with Weaver, the Examiner further rejects Claim 2 with three (3) additional Official Notices (ON10, ON11 and ON12). There is no reason or suggestion to modify Bieganski as modified by Weaver with 1) *a temporary working database in which the user works while using the system*; and 2) *a personal folder database*, as

Pat. App. 09/619,255

Lin-Hendel 5

claimed. Yet again, the Examiner is using Applicant's own disclosure to reject Applicant's claims which is not permitted by Case Law.

Likewise, the remaining claims are rejected by the Examiner based on Applicant's own disclosure and are not supported by the prior art references.

Regarding Claim 7, Bieganski does not teach the "*means for prompting the user to examine and specify specifications and configurations for each merchandise item,*" as claimed. The reference in col. 2, lines 60-67 by the Examiner is directed to material in the "BACKGROUND" section and is not part of Bieganski's invention.

In summary, neither Bieganski nor Weaver is directed to a system with an interactive wizard guide that helps the user to find merchandise (*computer-assisted selections tailored to said user*) and provides *recommendations* based specifically on the user profile and artificial intelligence.

In view of the foregoing remarks, Claims 2, 6-8, 12-15 and 17-19 are allowable over Bieganski et al. (US 6,412,012) in view of Official Notice and further in view of Weaver (US 6,404,426). Accordingly, the rejections under 103(a) should be withdrawn.

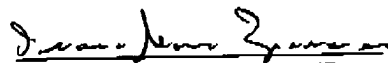
Pat. App. 09/619,255

Lin-Hendel 5

CONCLUSION

In view of the foregoing remarks and amendments, the Applicant believes that she has overcome all of the Examiner's basis for rejection, and that this application therefore stands in condition for allowance. However, if the Examiner is of the opinion that such action can not be taken, the Applicant requests that he contact her undersigned attorney at (908) 654-8000 in order to resolve any outstanding issues without the necessity of issuing another Office Action.

Respectfully submitted,




Jean-Marc Zimmerman, Esq.
Reg. No. 36,978
226 St. Paul Street
Westfield, New Jersey 07090
(908) 654-8000

Dated: December 14, 2004
Westfield, New Jersey

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that on December 14, 2004, I caused an Amendment to U.S. Patent Application Serial No. 09/619,255 to be sent by facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-145020231.


Jean-Marc Zimmerman